

REMARKS

Applicant requests favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action in view of the foregoing amendments and the following remarks.

Claims 1-12, 14, 15, 17-19, and 21-27 remain pending. Of these, claims 1-11, 14, and 22-27 stand withdrawn from further consideration as being directed to a non-elected invention. Of the claims not withdrawn from consideration, claims 12, 15, and 21 are independent claims. Claims 12, 15, 17-19, and 21 have been amended. Support for the amendments can be found throughout the originally-filed disclosure. Accordingly, Applicant submits that the amendments do not include new matter.

Claims 15 and 17-19 are rejected in the Office Action under 35 U.S.C. § 101, as not falling within a statutory category of invention.

In response, Applicant has amended independent claim 15 to recite that the layout method is performed in an image forming apparatus. As such, Applicant submits that the claimed method is now clearly tied to another statutory category of invention, namely an apparatus. Therefore, Applicant submits that the Section 101 rejection has been overcome and should be withdrawn.

Claims 12, 15 and 21 are rejected in the Office Action under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Office Action asserts that there is not a proper antecedent basis for some of the recited claim terminology.

In response, Applicant has amended the claim language cited in the Office Action so that there are no issues with respect to antecedent basis. Accordingly, Applicant submits that the Section 112 rejection has been overcome and should be withdrawn.

Claims 12, 15, 17-19, and 21 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Yoshida et al. (Japanese Publication No. 2002-016812) in view of Funamizu et al. (U.S. Patent No. 5,867,279) and Suzuki (U.S. Patent No. 5,289,570).

Applicant respectfully traverses this art rejection, and submits that the claimed invention is patentably distinguishable from the cited references for at least the following reasons.

Independent claim 12 recites an image forming apparatus that has an image repeat function capable of performing a layout process to arrange plural same data in a first direction and also arrange data same as the plural same data in a second direction on a face of one recording paper. The apparatus comprises, inter alia, first and second setting units. The setting units are configured to set a number of data arranged in the first or second directions independently of the number of data arranged in the other of the first and second directions based on a user instruction. The apparatus further comprises a selecting unit configured to select first and second layout modes, wherein the data in the first and second directions is arranged with or without intervals. Independent claim 15 recites a layout method, and independent claim 21 recites a computer readable medium storing a computer

executable program, both of which include analogous features to those recited in independent claim 12.

Applicant submits that the references cited in the Office Action fail to disclose or suggest at least these features of the invention, as discussed below.

Yoshida et al.

The Office Action cites Yoshida et al. as disclosing some of the features of the claimed invention, including a first setting unit configured to set a number of data arranged in a first direction independently of a number of data arranged in a second direction. In this regard, the Office Action cites paragraphs 70, 71, 75, and 97 of Yoshida et al.¹, and asserts that these paragraphs of the reference disclose that the system can be made to print two or three identical images based on a user's instruction as an alternative to printing four identical images (two images in a vertical direction and two images in a horizontal directions) on one A4 size sheet of paper.

Applicant respectfully traverse this factual finding in the Office Action with respect to Yoshida et al. inasmuch as it is asserted to anticipate the claimed first and second setting units. In Applicant's view, Yoshida et al. discloses a facsimile apparatus configured such that it may receive image data of A6 size, and record two of the A6 size data in a "first direction," record two of the A6 size data in a "second direction" on an A4 size recording paper. See, e.g., Figure 14. Further, Yoshida et al. discloses that it is possible to print

¹ Applicant notes that the Office Action appears to be referring to the English translation of Yoshida et al. that was attached to the December 12, 2008 Office Action. Applicant will as refer to this translation herein when discussing Yoshida et al.

other numbers received data, such as two or three of an image data on a recording paper. See paragraph 0097. Applicant submits, however, that the determination in Yoshida et al. of the number of an image data recorded on a sheet is not based on a user instruction. At no point does Yoshida et al. disclose that a user determines the numbers of data that are recorded on a sheet. For example, the controlling element with a user interface has keys such as start, stop, and for setting a number of sheets to be printed such as “#” and “a ten key.” Paragraph 0025. Yoshida et al. does not disclose any key on the user interface to set the number of data in one direction independent of the number of data in another direction. Instead, in accordance with the apparatus being facsimile apparatus that receives data, Yoshida et al. clearly discloses that apparatus determines the numbers of data recorded on a sheet based on the size of the data and the size of the sheet. See, e.g., paragraphs 0092-0095, which disclose determining the size of data to be printed based on the number of pixels of received data, and paragraphs 0096 and 0097, which describe that the apparatus “judges” the number of data to reproduce on a sheet based on the size of the received data and the size of the recording sheet.

Therefore, Applicant submits that Yoshida et al. fails to disclose or suggest “first” setting units or steps that set a number of data arranged in a first direction independent of a number of data arranged in a second direction based on a user instruction, as recited in independent claims 12, 15, and 21. Applicant also notes that the Office Action acknowledges that Yoshida et al. does not disclose a “second” setting unit or step, as

recited in the claimed invention. Accordingly, Applicant submits that the claimed invention is patentably distinguishable from Yoshida et al.

Funamizu et al.

In order to cure the above-noted deficiencies in Yoshida et al. with respect to the claimed “second” setting units or steps, the Office Action cites Funamizu et al. More specifically, the Office Action asserts that Funamizu et al. discloses a second setting unit configured to set a number of data arranged in a second direction (vertical) independently of a number of the data arranged in a first direction (horizontal) based on a user instruction in that a user can choose the number of data to be arranged as a 8 in 1 configuration, 9 in 1 configuration, etc., citing Figures 36-38 and 44 of the reference.

Applicant respectfully traverse this finding of the Office Action. In selecting a configuration such as 8 in 1, 9 in 1, etc., a user of the system of Funamizu et al. cannot set a number of data in one direction **independently** of the number of data in another direction. The configurations represent set patterns which have specific numbers of horizontal and vertical rows of data. See, e.g., Figure 32 that shows a 4 in 1 configuration. In other words, in the configurations in Funamizu et al., the number of data in the horizontal directions are “linked” to form particular patterns. While a user could select a configuration with some particular number of horizontal and vertical rows, there is no selection unit configured to set a number of data in the one direction independently of the number of data in the other direction. For example, a user could not choose within a 4 in 1 configuration a particular pattern wherein 3 of the data are in a horizontal row with 1 in a

vertical row, as opposed to the shown pattern with 2 horizontal and vertical rows. Therefore, Funamizu et al., like Yoshida et al., fails to disclose or suggest the combination of first and second setting units and steps recited in independent claims 12, 15, and 21, which specifically recite independent setting of the number of data arranged in the first and second directions.

Suzuki

The Office Action cites Suzuki as disclosing a selecting unit that allows selection of a first or second layout mode. Nevertheless, Applicant submits that Suzuki fails to cure the above-noted deficiencies in both Yoshida et al. and Funamizu et al. That is, Suzuki does not disclose or suggest first and second setting units or steps configured to set a number of data arranged in a first or second direction independent of the number of data arranged in the other of the first and second directions based on a user instruction, as recited in independent claims 12, 15, and 21. Moreover, to the extent that the recited selection units or steps are related to the claimed first and second setting units or steps, Applicant submits that Suzuki also fails to disclose or suggest the combination of features recited in the independent claims.

* * * *

In sum, Applicant submits that the combination of Yoshida et al., Funamizu et al., and Suzuki fails to disclose or suggest the invention recited in independent claims 12, 15, and 21. As described above, the cited references fail to disclose or suggest at least the first and second setting units or steps recited in independent claims 12, 15, and 21.

Accordingly, the cited references also do not disclose or suggest the claimed selection units or steps inasmuch as these units or steps are associated with the first and second setting units or steps in the claimed combination.

The other claims are allowable by virtue of their dependency and in their own right by reciting further features of the invention. Individual consideration of the dependent claims is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable reconsideration and early passage to issue of the application are earnestly solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continued to be directed to our address given below.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

Attorney for Applicant
Donald H. Heckenberg, Jr.
Registration No. 60,081

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200
TJO/DHF:yr